



The State of New Hampshire  
**Department of Environmental Services**



**Michael P. Nolin**  
Commissioner

October 21, 2004

Mr. Earl Peaseless  
President  
Sandwich Fair  
P.O. Box 161  
Center Sandwich, New Hampshire 03227

**CERTIFIED MAIL (7099 3400 0018 1290 3114)**  
**RETURN RECEIPT REQUESTED**

**NOTICE OF PAST VIOLATION**

**RE: Non-Conforming Open Burning**

Dear Mr. Peaseless:

On May 20, 2004, the New Hampshire Department of Environmental Services, Air Resources Division ("DES") received a complaint that non-conforming materials had been burned at the Sandwich Fairgrounds on Bean Road, Center Sandwich, NH (the "Property").

On May 24, 2004, DES personnel conducted an inspection at the Property in order to determine conformance with the N.H. Code of Administrative Rules, Env-A 100 *et seq.*, specifically, Env-A 1000, *Prevention, Abatement, and Control of Open Source Air Pollution* and RSA 125-C. During the inspection, DES personnel observed and photographed charred painted wood, insulation, and tarpaper inside a small trailer on the Property. Charred plywood, charred wafer board, and steel belts from burned radial tires were observed in a burn pile adjacent to the trailer. Non-conforming material including plywood, pressure treated lumber, carpet-covered wood and utility poles were observed piled in the burn area. There were no fairground employees on the Property at the time of the inspection.

On May 26, 2004, DES personnel telephoned you and left a voice message regarding the open burning of non-conforming materials that had occurred at the Property. On May 27, 2004, DES received a complaint that additional non-conforming material had been burned at the Property on May 26, 2004.

After receiving the second complaint on May 27, 2004, DES personnel went to the Property and met with Mr. Bruce Burrows, the groundskeeper of the Property. Mr. Burrows stated that he had obtained a burn permit and burned a quantity of material on May 26, 2004. DES personnel observed and photographed the still smoldering burn pile containing the remains of the small trailer observed during the inspection on May 24, 2004. In addition, DES personnel observed charred insulation, charred painted wood, melted aluminum, and a charred stump. As a result of the inspections and information gathered, DES has determined that violations occurred.

The purpose of this letter is to notify you of the violations discovered, as well as the requirements surrounding open burning, so that you can prevent future violations. The specific violations are as follows:

Env-A 1001.05 outlines the type of burning that is permissible without authorization from DES. Specifically, Env-A 1001.05 (d) allows periodic on-site burning of brush by the landowner and allows the burning of untreated wood from the construction or demolition of a building. The burning of materials other than brush and untreated wood is a violation of Env-A 1000.

- Env-A 1001.03(a) defines "brush" as tree tops, limbs, saplings and tree cuttings that are five inches in diameter or less.
- Env-A 1001.03(k) defines "untreated wood" as any timber, board or sawn dimensional lumber, which has not been treated, coated or preserved.
- Env-A 1001.07 provides that no tires, tubes, or any portion thereof shall be burned in the ambient air at any place in the state for any reason.

Since the burning of non-conforming materials has ceased, DES believes that no further action is required at this time in response to the listed violations. However, in the event that additional violations are identified, DES may take action, including issuing an administrative order, seeking administrative fines, and/or referring this matter to the New Hampshire Department of Justice for civil and/or criminal penalties.

If you believe that DES has cited these violations in error, or have questions regarding these matters, please contact Joseph Ritz at (603) 271-1391, Air Resources Division, Compliance Bureau. A current copy of the Air Resource Division rules can be obtained from the DES website at <http://www.des.state.nh.us/ard/ardrules.htm>, or by contacting the Public Information Center at (603) 271-2975.

Sincerely,



Pamela G. Monroe  
Compliance Bureau Administrator  
Air Resources Division

PGM/jwr

Enclosure: Env-A 1001, *Open Burning*

cc: G. Hamel, Legal Unit Administrator  
R. Kurowski, EPA Region 1  
M. Guilfoyle, NHDES-WMD  
B Burrows, Sandwich Fair Grounds  
Chief J. Mykland, Sandwich Fire Department  
R. Benton Jr., Chairman, Sandwich Board of Selectmen  
AFS # 330039777